

Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW
UNIVERSITÉ McGILL FACULTÉ DE DROIT

November 8 1993
le 8 novembre, 1993

LEST WE FORGET

By Joshua A. Fireman
Nat. IV

At 11:00 a.m. on Thursday, I will be standing in Dorchester Square to honour our war dead. The weather will be grey and frigid, as it always is. It will probably rain or snow. In all, perhaps a hundred people will be at the memorial service. This will likely be akin to an annual pilgrimage for them, as it is for me. Once again, I will be one of the youngest persons present, with the exception of the members of the military taking part in the service.

On this one day out of every year, I trek out into the elements to do my part in honouring Canada's war dead. I suppose that part of my motivation is drawn from the fact that my father was a soldier. He didn't serve for Canada; he didn't fight in any grand wars glamorized in high school

history books. He fought for the French Foreign Legion in Algeria, and he is the man who taught me about the collected glories and tragedies that are war.

Over the years, I have met a number of veterans, most of them Legionnaires. I could say that for the most part these men are like you and me. But, if I did, I would be lying. They are different because of what they have lived and what they have seen. They understand what it is to take a life and what it is to be surrounded by death. At the same time, when they are together, a glow seems to fill the room as they remember what once was - the feelings of invulnerability and of mortality, the adrenalin rushes, the humorous anecdotes and sex stories, the memories of friends long since buried. They remember a time in their lives when they lived purely for the moment, and at that precise instance, the present becomes one more moment of joy that

they simultaneously want to hold on to but realize must fade into reality.

Reality is this: We are lucky enough to be living in one of the world's finest democracies. We are not in danger of being arbitrarily arrested and tried without due process. We need not worry whether a stray shell will demolish our homes while we sleep. We can elect whomever we so choose to public office, and we can refuse to return them to office if we disapprove of how they have governed.

There are thousands of Canadians who never had a chance to grow old and complain about the G.S.T. These are men who never had the opportunity to start their own families, or never had the chance to return to them. They saw friends lose life and limb. They were witness to atrocities that no one should have to experience. They were thousands

(Continued on page 5)

293 losing candidates, and Kim inspires them: "Glad I didn't sell my car!"

By Denis G. Guenette
Nat. IV

The 1993 federal election will forever be remembered as one of the most stunning in Canadian history. Two new parties were elected *en masse* to the House of Commons, while another was thoroughly trashed. "No doubt about it, we were humiliated. We figured the Liberals would probably win, but we

were hoping to get on as Official Opposition," is how disgruntled candidate Dale Doram summed up his party's expectations. Mr. Doram represented the Natural Law Party in the Alberta riding of Wild Rose, which he felt was "winnable" because of that riding's tendency to be "generally open to new and fresh ideas." Reform took 63% of the riding (30,820 votes); second place went to the Tories (7,502

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Announcements / Annonces

THE MCGILL/INTERAMICUS SHARANSKY LECTURESHIP IN HUMAN RIGHTS

Martin Gilbert, C.B.E., Fellow of Merton College, Oxford, distinguished historian and official biographer of Churchill, will deliver the Fifth Sharansky Lectureship in Human Rights on Tuesday, November 9th, at 5:30 P.M. in the Moot Court Room. The topic is "Reflections on the New International Order and the Human Condition".

LEGAL THEORY WORKSHOP

The 4th Legal Theory Workshop will be given by Thomas Hurka, Professor of Philosophy, University of Calgary on Friday, November 12 at 11:30 a.m. The topic is "Perfectionism in Political Theory". In addition to being the author of articles in ethical and political theory, Professor Hurka has written an important and full-length book "Perfectionism" (Oxford University Press, 1993) which was published as part of the Oxford Ethics series edited by Derek Parfit. The book examines the theory ("perfectionism") which holds that state power can be legitimately used to promote individual or social excellences. Philosophers such as Plato and Nietzsche are often regarded as perfectionists and the theory is usually thought to be incompatible with liberalism. Professor Hurka's presentation will be especially interesting to those who wish to consider what values may be legitimately pursued by the state (cultural, linguistic, religious, aesthetic?) in the context of constitutional law as well as to those who may wish to think about alternatives to prevailing liberal theories. The paper is on Library Reserve. Everybody is very welcome.

ST. THOMAS MORE SOCIETY

The next meeting of our discussion group will take place on **Wednesday November 10 at 12:30 in Room 201**. we will examine an excerpt from John Finnis' book, *The Fundamentals of Ethics*. The readings are available in the St. Thomas More Society box in the LSA office. Welcome to all!

LEGAL EASE - the law school talkshow

Tune in every second Friday on CKUT 90.3 from 11:30 a.m. - 12:00 noon with hosts Melanie Parsons and Patrick Martin.

Next Show = Friday, November 12 at 11:30 a.m.
--> guest host Larry Markowitz and guests will discuss landlord-tenant problems
...please tune in.

--> if you would like to guest host a show please contact Patrick or Melanie.

SSMU Transit Network

The SSMU Transit Network, McGill's unique carpool system, is now taking driver/passenger schedules for **FREE ON-CAMPUS PARKING** (McIntyre Garage) and convenient, inexpensive rides to and from school - serving your neighbourhood.

Drop by Union 408 or call 398 2902 now to reserve your spot for November.

GRAD COMMITTEE

The **Grad Committee** is seeking sweatshirt makers for a limited edition Grad sweatshirt. All those interested please leave a note in the Grad box or contact Stacey at 288-5675.

The **Grad Committee** will be selling "PIZZA IN THE PIT" every Wednesday from 11:30 - 1:30 at \$2.00/slice.

YEARBOOK: Res Ipsa Loquitur

Please pick up the Grad Comment Sheets for the yearbook outside the LSA Office, if you haven't already done so. The deadline for the Comment Sheets has been extended until November 5 (Friday). Please hand them in to the Res Ipsa Loquitur box in the LSA Office. Thanks.

A Message From The LSA

Remember that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA Office. All students note that the LSA will be off limits to all lunchers during these times!

Correspondante Desirée/Penpal Sought

Le *Quid Novi* a reçu une lettre. On cite la suivante: "Je suis étudiant ivoirien à la faculté de Droit de l'Université d'Abidjan, Côte d'Ivoire. Je suis au premier cycle universitaire (DEUG I, Diplôme Études Générales Universitaires, 1ere Année). Le premier cycle allant de la 1ere Année de licence à la 3e année de licence. Je suis âgé de 23 ans et j'aimerais, à ce titre d'étudiant en Droit, échanger de larges identités de vues (juridiques, sociales voire économiques...) avec une étudiante en Droit de votre excellente université. Je tiens à souligner que je joindrai ma photo à la première correspondance. Je suis un bilingue. Par conséquent je ne manquerai pas d'écrire aussi bien en Anglais et en Français." Pour autres informations, appellez Jay à 270 1589.

QUID DEADLINES ARE AS FOLLOWS: ARTICLES AND ANNOUNCEMENTS MUST BE SUBMITTED BY 5:00 P.M. ON THE MONDAY BEFORE THE WEEK IN WHICH YOU WISH THE ARTICLE OR ANNOUNCEMENT TO APPEAR
NOTE: SUBMITTED DISKS ARE RETURNED IN THE BOTTOM QUID BOX IN THE LSA OFFICE (LABELLED "OUT")

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montréal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discréption du comité de rédaction et doit indiquer l'auteur ou son origine.

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EDITORIAL: The Technological Orgy

The world is moving faster than we can possibly comprehend. An evolution is occurring before our eyes - the twentieth century evolution of mechanical, electrical, informational ... technological innovation. Bacchus danced blithely in plasmoidal circles and gorged on plump grapes. We prefer to move beyond the speeds of sound and light as we send, receive and alter information and surroundings. Media and education guru Neil Postman has coined the term "technopoly" to describe "a culture that has made the development and exploitation of technology its central preoccupation. A culture that cedes to technology sovereignty over all its institutions. A culture that believes that, through technological innovation and ingenuity, paradise can be achieved." That's us, on the road to technological nirvana.

Does it make sense to slam technology in an editorial written on an AT 486/SX, 33 MHz personal computer? Absolutely. Almost anyone who lives in a city and slams technology is automatically a hypocrite since cities are filled with technological trappings (hereinafter tt's) that very few do not use (cars, computers, telephones, televisions, bank machines, walkmans, electric toothbrushes, automatic juicers...). So if the hypocrite badge is already sewn on, one might as well do one's slamming neatly and efficiently. Furthermore, it is not technology per se which is

being slammed but rather the blind faith put in it's by us. The adverse effects this can have on society in general are severe.

We live in a society where technology persuades and sometimes hides. Take a simple example of two people applying for the same office job. A high school drop-out submits a resumé laser printed in Tms New Roman font on double bond charcoal grey paper. A Rhodes Scholar submits a resumé neatly hand printed on loose-leaf quality paper. While neither may end up getting an interview, the Rhodes Scholar has a greater chance of not even being considered (i.e. the resumé being tossed without a substantive glance) because she has not promoted herself in the technologically expected manner. There are certain standards that society has formulated on the basis of technology.

If these standards are not followed then one is left in the dust. In Hong Kong, not having a fax machine is a serious detriment to doing business as it means relying on the mail or couriers. Even though Hong Kong has an intra-city daily mail system (within the city, something mailed in the morning will be received in the afternoon) technology has raised the standard to the level of the fax, the world over.

Technology makes life more efficient. It saves time and thus allows us to do more; to create, build and produce more. It puts the world at our

fingertips. So what is the problem?

The problem is that technology shapes our world view. Why read a book or go for a walk in the park when one can flick on the TV and watch Madame Bovary or a Costa Rican rain forest? So many of these tt's allow a dulling of our senses in that the simplicity of experience is replaced by a need for luxury and/or efficiency.

The deeper problem is that technology does not have a conscience. The tt's are merely a function of their user - us. We are the technological conscience. We dictate how tt's are used and we think we control their effect on us. Yet, we are constantly persuaded into blindly believing polls, surveys, tests - statistics - because we trust the way in which they come to us. Instead of worshipping the medium we should be making sure the source using the medium is legitimate.

This commentary has raised many issues without carrying them to completion or explaining the full context. This is the problem with any discussion of technology - its all-pervasiveness demands in-depth study to get a feel for the full range of effects. However, two things are certain - technology is here to stay and we do, as a society, worship it. If we are going to emulate Bacchus' fervour then let's, at least, make sure the wine is good.

In Search of that Elusive QUID Policy

By Jay Sinha
Editor-in-Chief

Be a policy maker. Any media instrument which claims to be totally objective is lying. Even a strict narration of the facts cannot boast pure objectivity. Such narrations are inevitably based on the visual and auditory perceptions of one party. It is rare that the fundamental intentions, objectives and history of each actor are explored. Such reporting is often not practical, possible or desirable. Furthermore, being products of our upbringing and surroundings, we are not, as humans, inherently objective. We cannot help but interpret in ways that are known and

comfortable and effective. The *QUID NOVI* does not claim to be objective.

I decided to try and clarify the *QUID*'s policy after reading a comment made by George Tomossy in his October 25 (issue #7) article, "A quiet rebuttal..." [a response to Stacey Pinchuk's October 11 (issue #5) article "He-Man Is Sexist"]. Mr. Tomossy felt that the *QUID* seemed to have acquired a journalistic flavour which was "extremist and confrontational". I would not disagree with this. We saw it coming and welcomed it with open arms. Extremism and confrontation are wonderful tools for stimulating debate. All of these terms - extremism, confrontation, debate - imply at least a duality; two (or more)

sides to the issue. It should be noted that issue #7 featured two responses (Mr. Tomossy's included) to Ms. Pinchuk's article, each of which some might consider to be equally "extremist and confrontational".

Therein lies the elusive *QUID* policy - balance. While we do not claim to be objective, we are striving to be an open forum which may produce objectivity. We want to generate debate and, thus, provoke thought and opinion in both new and old directions. In effect, you shape our policy.

So, don't just think about writing, do it. Be a policy maker.

NOTES FROM THE OFFICE OF UNDERGRADUATE STUDIES

Contrary to information printed in the Early Registration Materials, MARS will be open for course change business commencing 30th November. You will have access until 16th January 1994. Generous, eh?

Those students who plan to drop January courses are encouraged to do so as early in the course change period as possible. Other students may be waiting to take your space.

There are several additions to the Winter course offerings which you may want to note:

483-453

Financing Real Estate Transactions, Mr. Carswell, will be offered on Tuesdays, 8:00-10:00.

494-461B

Insurance Law, Mr. Tache, Mr. Belanger, will be offered Tuesdays and Fridays 8:30-10:00 EXCEPT for the last four weeks of term, when it will be taught by Mr. Tache. The teaching hours for 22nd and 29th March, 5th and 12th April will be 19:00-22:00.

389-543B

Law & Practice of International Trade, Mr. Hankey, will be offered Fridays, 15:30-18:30.

This course is CLOSED. It is currently oversubscribed and there will be no wait list. Please examine your schedule carefully. If you decide to drop it, please do so as early as you can in the course change period.

Keep your eye on this column for further changes and additions. We will also advertise on Bulletin Board of your computer network.

By Jody Berkes
BCL II

I was sitting at my computer typing out my column for the Quid, when it occurred to me just how much I take my computer for granted. What did people do before there was an easily revisable medium for writing?

Cast your mind back to the dawn of time. It's dark and rainy, lightning flashes across the sky. Lucy and the first family are sitting down to another meal of raw cheeseburgers. The family sits on low straw mats on the floor of their dark stone cave. As usual, Ricky is complaining about Lucy's latest hair-brained scheme, "Lucy! I'm tired of having to get you out of all the troubles. Just give me five minutes to splain..." However, the band leader is cut short when a bolt of lightening sets fire to his straw mat and fries him to crisp. Little Ricky recoils in horror as he sees his cheeseburger (as well as his father) cook for the first time. He makes it past his fear and nibbles on the medium rare disk with melted cheddar, "Mom, It's delicious!" Lucy springs into action! Ricky's steady flame allows Lucy to see the cave wall for the first time. She picks up one of little Ricky's crayons and begins to sketch the scene. At Ethel's behest she seeks a patent for her new invention which she calls, "Ricardo Away". Unfortunately for the red head, she couldn't figure out how to move the cave wall, and is destined forever to be known as re-run queen alongside the Flintstones.

Fast forward a couple of thousand years to the fertile crescent and the Babylonian Empire. Work on the Tower of Babel has ceased. It seems as if there is a slight disagreement over the conditions in the emphyteutic lease. Justice Godin is presiding over the case of the *Babel Development Corporation v. The Priests of Babel*. The Priests are seeking to enforce the clause in the contract that requires that the tower be built high enough to touch God. Babel Development is experiencing extreme cost overruns due to the fact that they have been building for over a decade and



have yet to touch God. The tension in the courtroom is electric. Justice Godin has poured over the, literally, hundreds of clay cuneiform tablets representing the contract, as well as several dozen articles in *The Civil Code of Lower Babylon*. He has prepared a lengthy judgment which will set the precedent for the next millennia. Alas, property lawyers would have to wait for millennia before the jurisprudence could be rendered. God had decided to confound the language of the Babylonians, and despite the fact that Justice Godin is perfectly bilingual no one in the court spoke either English or French.

The art of writing reached a crucial stage with the Egyptian discovery on papyrus. In fact, one of the original songs written on papyrus lives on today in Steve Martin's remake of that oldie, "King Tut". Still, it was left to the Gregorian Monks to discover the technique of mass duplication of documents. Aside from that, their legacy continues today in one of those mind-numbingly repetitive club mixes that DJ's love to play. Fast forward a couple of hundred years to Gutenberg Bible, the most eagerly awaited book to hit the shelves until Kindred et al., *International Law: Chiefly as Interpreted and Applied in Canada*. Writing remained pretty much the same until the late 20th century, and the discovery of the microcomputer.

Perhaps the most significant discovery to mankind since beer, the computer has changed the human condition in a way that can never be reversed. No longer would secretaries be forced to retype entire documents because the attorney forgot to mention that the style of cause is followed by a comma. No more sniffing liquid paper fumes all day through endless corrections. A change in a document can now be accomplished with ease, and the results are invisible. How many of you can say that about your pencil erasers which inevitably tear huge gashes in your legal pads, or white smeared messes that happen when you try and write or type something on top of a semi-solid blob of liquid paper. Yes, the computer

is truly our greatest blessing, or is it?

The computer has permeated all areas of our lives: banking, the supermarket, and the classroom. Even academia, famous for its rejection of anything new, has taken to the computer like a fat kid to a smartie. Move aside *Canadian Abridgement* here comes *Quicklaw!* Professors who used to stare out and see blank faces faithfully scribbling every word they uttered, now stare out and see blank faces, bathed in the glow of a computer screen typing, indexing and cross-referencing every word that they utter.

I will admit that typing does have the advantage of being more legible than handwriting. Furthermore, having notes on a computer makes them easier to edit. (Although editing may become a thing of the past, since you never know what obscure quote a professor may place on your next exam.) However, can you draw a quick useful diagram on your computer? Can you write a note to your neighbour in the margin of a computer screen? Can you doodle absent mindedly on a computer screen while the professor goes off on yet another meaningless tangent? Can you fold your computer up into an aerodynamic package and sail it across the room? (Actually, you can, and I'll give anyone \$5 to do it in the middle of Business Associations.) The answer is a resounding NO! You can do all of these things, and a whole lot more with paper. A notebook full of paper does have other advantages as well. It doesn't annoy you by tapping loudly when someone writes

on it. When you open up a notebook it doesn't beep, whir, and buzz, driving everyone within a ten seat radius nuts. Notebooks don't have cords which people can trip over. etc. etc. etc. So before turning on and tuning in, better make sure you're not causing the people beside you to drop out.

Jody Berkes is a second year law student who thinks that spacebars should be seen and not heard. His column is typed weekly on a Macintosh which he operates in the privacy of his own apartment.

LEST WE FORGET

(Continued from page 1)

of miles away from home and hearth, and they gave up their lives for reasons many of them did not even understand.

There are those in these revisionist times who like to use days like Remembrance Day to make political points; to point out what a fine or what a terrible thing war is. But, these people are ignoring the reason we observe a minute of silence for our dead. It is not because we think war is good or bad; it is to show our respects for those men who died for a cause their country deemed appropriate.

It would be nice today if all Canadians stopped what they were doing and observed a minute of silence for our war dead. It would also be nice if there was really a Tooth Fairy. Certainly, schools may stop classes ever so briefly. Office workers may take pause for a moment. But, for the most part, the minute of silence will be ignored.

Will people risk being late for classes or meetings in order to honour those who gave their lives for the democracy that we all too often take for granted today? Will daily schedules be interrupted as masses of people

congregate at war memorials across the country to show their respect? Sadly, the answer is "no."

Certainly, our freedom and the fact that we live in one of the world's strongest democracies are not subjects that Canadians ponder on a daily basis. Nor should they be day to day concerns. It is in large part due to the sacrifices of our veterans and war dead that we can afford to free our minds to contemplate important problems like how they get the caramel in the Caramilk bar.

But, is it too much to ask that Canadians inconvenience themselves for a small part of one day and pay respect to those who have made the ultimate sacrifice for our country? The nuisance of missing one class; one meeting; one television show pales in comparison to

the sacrifices undertaken by so many of our soldiers, past and present.

Ceremonies begin around 10:30 a.m. at Dorchester Square on Thursday. Skip a class and attend. Showing your respect for our veterans is so much more important than missing a few pages of notes.

Have many of you had a friend die in your arms? Have you lost limbs fighting for your country? Have you ever considered laying down your life so that others might continue to enjoy theirs? Our veterans have lived through this and more. All in the name of freedom.

Ceremonies begin around 10:30 a.m. at Dorchester Square on Thursday. Skip a class and attend.

Showing your respect for our veterans is so much more important than missing a few pages of notes.

LEST WE FORGET

NO MERCY STRIKES AGAIN

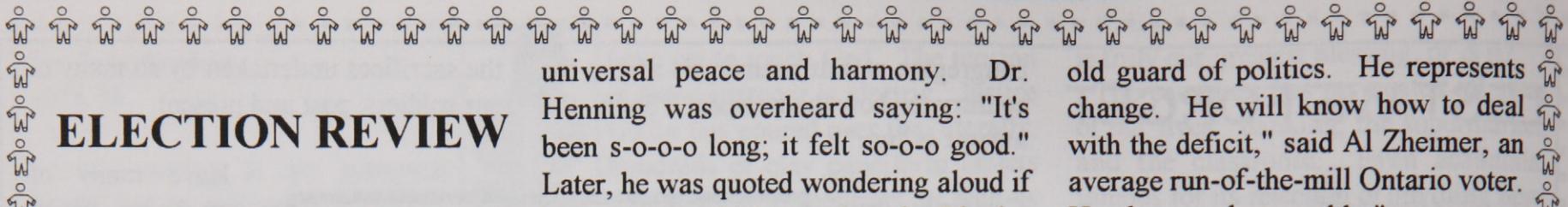
McGill Law's top Men's V-Ball team struck again in hard-hitting, guts and glory Intramural Action. The hapless Commerce students were demolished by the explosive NO MERCY attack force 15-0, 15-1 in 22 minutes. Several rookies rose from the depths to bring victory including Matt "Suicide" Taylor, Sean "Hugga"

Muggah and Alain "Demon" Strati. Another sizzling performance was put forth by da Hammer (Jon Learner) and he was joined by John "3rd Degree" Burns and Rob "Too Tall" Dilworth to form the Wall of Pain. The team was once again lead in prayer by player, coach and spiritual leader Sanjay Gandhi.

Although no hospitalization ensued, the

battered and weary Commerce boys surely felt the sting of the legal attack. A message was sent to the entire league that this is a force to be reckoned with.

Side note: The fan participation was very appreciated and it is hoped that more people can make it out for the next game.



ELECTION REVIEW

(Continued from page 1)

votes). Mr. Doram ran a close ninth, garnering 201 votes.

The total rejection of Natural Law stunned Canadians from coast to coast, including its star candidate, Doug Henning. Dr. Henning, so accredited from the prestigious Maharishi European Research Institute, Switzerland, was asked where he thought the campaign had gone wrong. The ill-ooo-sionist opined that it probably came with the decision to leave unexplained the dynamics of the party's critical deficit-reduction platform. "Our 10,000 yogic flyers would have gone to malls across Canada, where they would have kept pulling coins out of children's ears until the debt was paid off. That's why we revised the numbers from 7,000 to 10,000 yogic flyers. We realized the debt required that many more coins." He said senior party officials had gambled on secrecy for this aspect of the plan, because they felt it was "too important" an issue to discuss during an election campaign.

Dr. Henning's faith in the party and the yogic flyers was clearly shaken. It is rumoured that his defection is imminent, which may even spell the end for this proud party which strongly advocates the separation of state and religious beliefs. Yet defection or not, Dr. Henning's place in the party was put in grave doubt when he was caught being, as Seinfeld so eloquently put it, "the master of his domain" at his Rosedale campaign office. This act came as a clear and flagrant violation of spiritual leader Maharishi Mahesh Yogi's sacred and self-evident supposition: any man who ejaculates cannot ever reach

universal peace and harmony. Dr. Henning was overheard saying: "It's been s-o-o-o long; it felt so-o-o good." Later, he was quoted wondering aloud if "maybe I should have taken the Rhodes Scholarship instead."

The election proved to be much more fruitful for another marginal party, the Progressive Conservatives. They actually managed to send two people to sit in the House, and managed to be P.C. in more ways than one: they have now achieved total gender parity in the Commons. Leader Kim Campbell clearly saw the electoral results as a moral victory, as she capped off the night with a motivating and heart-felt "just wait until the next time" speech. Canadians could clearly sense that

"Jean is not from the old guard of politics. He represents change. He will know how to deal with the deficit,"

something exciting was happening to the party here, as a number of Tory candidates surprisingly finished in strong fourth or even third places. A lucky few even stole second place. In an unrelated story, on Tuesday the 26th, Ontario's department of vital statistics reported that a man named John Tory had applied to change his last name to Grit.

Of course, the big story of the night was the overwhelming verdict for a new government. Following a campaign in which Canadians demanded change and a new style of politics, it was obvious that they had meant it. As a result, Liberal leader Jean Chretien is the new Prime Minister. "Jean is not from the

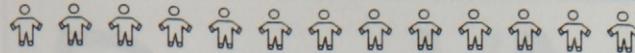
old guard of politics. He represents change. He will know how to deal with the deficit," said Al Zheimer, an average run-of-the-mill Ontario voter. He hastened to add "even more important, he has nothing to do with Bob Rae," but his comment was drowned out by a blaring television showing a jubilant John Rae, Mr. Chretien's successful campaign manager who reportedly has a brother somewhere in politics. Mr. Zheimer then screamed into the reporter's ear: "...not to mention my sympathy vote for his disability being targeted in the ad."

Ah yes; The Ad. A monumental piece of electioneering that will certainly merit an entire new chapter in Patrick Boyer's book on the electoral process. The lingering effects of this ephemeral television advertisement will forever be debated. Many feel it was singly responsible for the sheer magnitude of the Liberal victory, with its attempt to make voters Think Twice before voting for just another pretty face. The attempt failed miserably, although not all is for naught. It is believed that a permanent footnote will be added to the golden P.R. rule that "there is no such thing as bad publicity." Meanwhile, the die-hard Conservative woman who uttered the now-classic "frankly I would be embarrassed" line at the end of the commercial aptly summarized her bewilderment: "Now I know how Steve Smith felt." In a related matter, the Canadian Association of Editorial Cartoonists has issued a press release denouncing attempts to ridicule any person's facial features.

The Liberal victory was not without its casualties, however. New Brunswick Pat Landers, the lone unsuccessful Atlantic-Canadian Liberal, has reportedly been checked into a local psychiatric hospital for

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severe self-esteem problems. Doctors are as yet unable to stop him (her?) from repeating: "Frank got it all, and Jean could have too. Mommy, what's wrong with me?" Still, just before the crisis hit, Androgynous Pat fired campaign Manager Todd Stottlemeyer, who oddly enough had just this comment: "Mulroney, you can kiss my ass!"

Over at New Democratic Party headquarters, leader Audrey McLaughlin was conspicuously restrained during her first post-election party meeting. Her demeanour was inexplicably subdued, unlike the fiery tone she had used during her passionate "voters refuse to elect women leaders in this country" speech. It is believed that the meeting dealt with the possibility of an imminent leadership review.

Elsewhere, the election night brought about its usual quota of strange phenomena across the country. A record 70 suicides were reported nation-wide just moments after polls closed. While no formal connection has been made between the deaths, curiously all 70 people had been delegates to the Progressive Conservative convention in Ottawa this past summer, and had been spotted wearing 'Kim' buttons.

For its part, Bell Canada reported abnormally heavy demand on its phone lines to Governor-General Ramon Hnatyshyn and Senate then-Majority Leader Lowell Murray's Ottawa residences. The calls all originated from the homes of losing Tory M.P.s., who apparently wanted to congratulate the two men for having a better sense of timing at being electoral failures.

In business news, jewelry stores across Canada reported that the price for a novelty item called the "Kim

Brooch" suddenly plummeted to liquidation levels. Booksellers also reported a similar phenomenon for Stevie Cameron's 1989 book, *Ottawa Inside Out*.

And in Montreal, St. Laurent Boulevard was desecrated with graffiti by an unruly man in a suit. The unidentified person painted a bright red line all the way up and down the centre of the street, garnishing it with red maple leaves. All the while, he was claiming that "we will have no problem bringing the tanks all the way up to here!" Innocent bystanders note that the man insisted on discussing the

A record 70 suicides were reported... curiously all 70 people had been delegates to the Progressive Conservative convention

Colonial Laws Validity Act with them, though they all had difficulty recollecting exactly why he was so fascinated by the ancient statute.

This act of defiance was clearly aimed at the rampant success of the Bloc Quebecois. About the significance of the election results, one analyst had this to say: "this is a clear and unequivocal show of how Quebec sees itself in the federation. It is a dead issue. Quebec's destiny is an immutable fact which cannot be challenged or compromised. The message to the rest of Canada is loud and clear: 'Do not think that you can stand in the way, or that you can change our collective mind by offering us such goodies as a Prime Minister or a future Prime Ministerial candidate!'"

In his own part of the world, Reform Party leader Preston Manning was busy commissioning architects for a new Parliament building, apparently to

be located in Banff, Alberta. "...[A]nd then it hit me," he explained. "If the frogs can do it, why can't I? I matched them pretty well seat-for-seat, so I am just as powerful. I will make my own little fiefdom out of Alberta and British Columbia, and as far as I'm concerned, Saskatchewan and Manitoba can go to hell. They didn't vote enough for me, and they're have-nots anyway. My first decree will be to fire all police officers who insist on wearing turbans. And no, this law is not discriminatory - it applies equally to all people of all religious beliefs." When asked how he would go about forming a team of cabinet ministers for this new country, his response was a short "Team?"

In Ottawa, a sudden outbreak of joy and happiness hit the city - a celebration the likes of which has not been seen since the Summer of 1984. A collective chant of *Happy Days Are Here Again* was heard resonating from nearly every household.

Meanwhile, Molson Co. has announced the three stars of the election campaign. #3 went to Hugh Segal, who managed to overcome the urge to wail like a newborn while sitting on the C.B.C.'s election panel. The selection is tentative, however, as we await a urine test. It is believed that Mr. Segal's feat would have been impossible without the use of performance-enhancing drugs. #2 went to Mel Hurtig, for not stooping so low as to participate in the collective embarrassment called the Television Debates. The #1 star went to Joe Carter, of the rival Labatt Blue Jays, for diverting Canadians' attention from what was probably the most boring election campaign in living memory.



AFRICA'

By Tom Likambale
Nat. IV

Dr Kamuzu Banda, President-For-Life in Malawi was discharged from *Garden City Clinic* in Johannesburg, South Africa on the weekend of Oct 23rd., 1993 after undergoing brain surgery. Dr Andre Nel, the attending surgeon, said they had removed excess fluid from the ninety-something-year-old dictator who has ruled Malawi with an iron fist since independence from Britain in 1964. The old man's longevity confounds many. He is a past-master in the art of survival, be it political or otherwise and his tenacity is legendary. His Jo'burg recovery helps fuel the widely held reputation in Malawi that he is a witch-doctor capable even of transforming himself to dodge bullets. That is what his Congress Party apparatchiks said of him at independence to help enhance the image of invincibility which they were creating of him to garner unquestioning loyalty among the population as he led the fight against colonial and federal forces. And of course, independence came the year after JFK was shot. It was important to show that this guy may have known JFK (met him in '63), worked with JFK (talked about independence); JFK may have been his friend (first black guy to have been put up in some prestigious Washington guest house) - but this guy was no JFK.

Image-making is no new art among African leaders. It comes in various forms but almost always as a result of deliberately spread rumours about the alleged supernatural qualities of the leader. In some cases, these qualities are 'proved' through acts of great courage and/or cruelty; or an unexplained ability to survive where a mere mortal would not; or through *JuJu*, an original version of what would be called voodoo or magic in these parts; or indeed some combination of the above or all of the above.

Among the Founding Fathers of independent African states, probably none escaped such reputation. Ghana's Kwame Nkrumah, The Congo's Patrice Lumumba, Malawi's Kamuzu Banda were all reputed to be practitioners of *JuJu*.

Kenya's Jomo Kenyatta was largely, albeit informally, associated with the mysterious and often frightening exploits of the *Mau Mau* Freedom Fighters in the early sixties. Even as late as the seventies, fighting armies for independence were led by individuals who were thought to be magically fortified. Take Robert Mugabe of Zimbabwe. The guy survived Ian Smith's jails (where some say he was castrated - no independent confirmation), and went on to become a 'Guerrilla' Leader, who conquered Ian Smith's more sophisticated and better armed battalions, as well as those of his arch-rival and former ally Joshua Nkomo. Mugabe remains to this day the main man in Zimbabwe. His story is not very different from that of his Mozambican counterpart, the late Samora Machel, with whom Mugabe formed a lasting friendship.

Cruelty seems to be a persistent theme. Even post-independence leaders continue in this vein. Uganda's Idi Amin reportedly kept human body-parts in the refrigerator at his Kampala residence - a sure sign of wizardry. The man he overthrew, Milton Obote, had a *JuJu* reputation encouraged through his own human rights abuses. Add to that Emperor Jean Bedel Bokassa of the Central African Republic (whom I gather has recently been released from gaol). Colonel Mengistu Haile Mariam of Ethiopia, recently overthrown, reputedly had some body parts of the former Emperor Haile Selassie buried in the foundation beneath the spot where his presidential chair was placed. In the magic world this helps the surviving guy to sap the powers of the vanquished guy. Some say Kamuzu Banda walks with a limp because he always has bone fragments of his dead rivals in his right shoe (ouch!) to have all their power. In Somalia, Farah Aidid, is building folk-hero status among his followers as the David who brought down Goliath's helicopters; and who survived former president Siad Barre's starvation of him by eating a bar of soap. He too has shown just how cruel he is capable of being.

Illiteracy, which these guys should be fighting, is very high in Africa. Well over 70% in some of the poorer parts. Knowledge about how to prevent malnutrition and disease is relatively scanty. Clean water supplies are not commonplace. Diseases have a field day! Add to that an infant mortality rate of 183 per 1000 live births in Malawi (UNICEF figures), one would think these guys have their work cut out for them. Hunger kills even more. A largely illiterate population, which sees death this often, is relatively easy to convince with these kinds of antiques.

Most rural people still depend on traditional herb-based concoctions to treat illness. Some of these mixtures are

Image-making is no new art among African leaders. It comes in various forms but almost always as a result

helpful, others will kill you. Many believe illness is caused either by angry ancestral spirits which must be appeased through sacrifice and libation, or by spells cast by evil living individuals whose machinations must be responded to in kind under the auspices of the village witch-doctor. Some of these docs are very good indeed but most just want your money (kinda like here, eh?). The good ones can tell you the purpose of your visit in its detail even before you open your mouth! They can also fortify or immunize you against all these bad spells and more. All through herbal concoctions and a few incantations. Indeed you may acquire powers of invisibility when in danger (you better believe it!). Unfortunately, they tend not to be able to teach you to read or

(Continued on page 9)

Deadly Concoctions

(Continued from page 8)

write. Shoot!

Infrastructure development is hampered by poor economic management and terribly unfair terms of trade between the rich countries (now pre-occupied with their white counterparts in Russia and Eastern Europe), and the poor countries of Africa. Interest rates alone to service foreign indebtedness takes up most of the income generated, and leaves practically nothing for indigenous development. What little there is is needlessly spent to buy arms, service the ruling elites and to build presidential palaces or useless monuments.

of deliberately spread rumours about the alleged supernatural qualities of the leader.

Civil wars abound in Angola, Burundi, Liberia, Sudan, and Somalia. States of war remain in Mozambique, Morocco/Mauritania, Algeria and even Zaire. South Africa, our first world economy, despite much hope for political reform has trouble looming: the panga knives and machetes of Mangosuthu Buthelezi's *Inkata Freedom Party*, do not seem to love Nelson Mandela's *African National Congress*, and its *Umkonto we Sizwe* or Spear of the Nation. Throw in Eugene TerreBlanche's *Afrikaner Resistance Movement* - and you may have yet another deadly concoction already boiling, waiting to explode.

Ethnic tensions or religious differences ran through most of our conflicts. Coups, which have become a way of life in some

African states - some of which, like Nigeria, have had a full-fledged civil war i.e. the Biafran War - tend still to have ethnicity as one of the motivating factors. Some of the blame has to go to our former colonial masters in Europe. For most of the 18th and 19th century European powers scrambled for Africa in search of opportunities for economic and/or religious exploitation. This madness ended (sort of) via the Berlin Conference of the late 19th century where they laid the blueprint for the so called 'Partition of Africa'. The Europeans divided the continent up among themselves like they were cutting up hamburger steak. The French got some territories in the west, north west, the central part. The Brits got some parts of the west, most of the East, Central and Southern Parts. The Portuguese got Angola and Mozambique. Germany got Tanganyika and South West Africa. The Belgians got Congo, etc. The boundaries thus drawn paid no attention to ethnic, or other realities.

In Burundi for instance, the powerful Tutsi are a minority whereas the majority Hetu are weak where it matters i.e. in the army. Yet in neighbouring Rwanda the situation is almost the reverse. Some boundary! When you drive along the main highway between Blantyre and Lilongwe in Malawi you are driving along the Mozambican border most of the way, and you are also slicing through families with houses on both sides of the highway. In Africa ethnic affiliation is a powerful instinct. By drawing artificial boundaries therefore, the colonizing powers contributed to some of the power struggles among ethnicities now continuing on the continent.

As colonial subjects were suppressed brutally during the colonial years it was only after independence that ethnic hostilities resurfaced and civil wars, coups and counter-coups became the order of the day. In addition the Founding Fathers learned government from the brutal colonial administration

and copied some of its worst practices like detention without trial, torture, murder, forced labour, unfair taxation, unfair and unequal distribution of wealth and resources, total exploitation, divide and conquer etc.

However you cut it, wars produce refugees. Most displaced persons remain within their country. Some go to neighbouring countries. Others, a minority, make it to the West. The mood in the West now is increasingly hostile towards refugees and immigrants of colour. There are those of us who see this as an abdication of responsibility for problems which the West helped cause and which it is not doing enough to help end.

We know that the West will not pay us reparations for slavery, partition and colonialism but it should be pressed to go slow and good with us on debt and fair trade. For now the myriad problems in Africa are a dangerous concoction whose effect will be felt here through immigration and loss of economic opportunity caused by losing Africa as a viable trading partner.

The Organization of African Unity (O.A.U.) has wasted its first three decades emptily sloganizing, wining and dining and emitting a few tired clichés about self-determination and non-interference in internal affairs of sovereign states. Very vocal on apartheid, they were silent about the oppressive regimes of member states. The new wind of democracy blowing in some parts of Africa today should be a wake-up-and-smell-the-coffee call for this relic of the mostly dictatorial Founding Fathers.

The emphasis now should be on peace, democracy and tolerance, abolition of hunger and malnutrition, infrastructure development, economic integration, and literacy and health drives.

As for Dr Banda, here's to his new lease on life. He faces presidential elections next year for the first time since '64. But his brain will probably have filled with water again by then....

SPORTS CORNER

Corina Stonebanks
Former Athletics Coordinator

Congrats to **Noah Stern** for being elected to the position of Athletics Coordinator. Noah has already taken over, and will continue to do so for the rest of the academic year. I wish him the best of luck. Of course, I will continue to work with the **Sports Committee**. Why don't you? Law Games' work has already begun, and there is plenty more ahead. So far, we have a lot of fun ideas being planned for fund-raising. I won't spoil the surprise now, but they should be great! Contact Noah (E-Mail N_Stern or in the Sports Box at LSA), and get involved!

Intramural Sports

Men's "C" Division Hockey: The amazing **Cas fortuit** won their first game on Tuesday night! Teamwork was the name of the game, as the team discovered the value of passing rather than chasing the puck. **Captain Pat** led the scoring frenzy with four goals, which puts him well ahead of **James** the Goalie, the previous scoring leader. Way to go, guys!

Women's Hockey: Hold on to your hats! Get this! The **Public Offenders** actually beat **Malum in Se**, the rival women's law hockey team! I think it may be the first win against them *ever!* Hooray for the **Offenders**, who have finally grown to show their own (whatever *that* is!!!). Still, **Malum** shows great potential, so there will be no resting on any laurels. By the way, the score was 2:1 for the **Offenders**, who also scored *all* of the goals in the game. (Big huge hint: **Captain Stupid-Klutz-Stonebanks** kicked the puck into our own net, past a very shocked how-can-you-do-this-to-me-I'm-just-a-temporary-goalie **Sylvie Bordet**!!!).

Congrats to everyone: keep on playing hard and having a good time! Remember, fans are always welcome! As I leave my official post, I wish you all every success. **Captains**, do not forget to send **Noah** your game results and comments for the *Quid*!

My Resignation, Law Games & the LSA

I have not said anything up until now, but I would like to explain the reason for my resignation from the LSA Council and my position as Athletics Coordinator.

Unfortunately, the understanding that

pervades the student body is that my resignation was due to the fact that I had too many obligations, commitments or whatever has been said, and could therefore not attend to my Coordinator duties. This is untrue.

We have seen the publicity and organization of intra-mural sports, the day-long Malpractice Cup events and party, Law Games info and of course, the Sports Corner articles in the *Quid*. I hope that the fulfilment of these duties attests to the fact that I have always been committed to the position I was elected to hold.

The truth is that at the beginning of the academic year I proposed that we, the LSA Council, find a time at which we could all meet. The problems all started because of the way in which the issue was raised: it was raised as *my* problem because I must work every afternoon. (If I do not work, I cannot afford to go to school. Period. This was the only job I could find that would meet my needs. I know that I am not alone among the student body in my predicament).

Last year, the LSA Council met at 12:30 on Wednesdays, every two *or* three weeks. It was not regular. The year before that, it met at completely irregular times, irrespective of the week. Because I had difficulties with work and the mandatory minimum attendance required last year on the LSA as BCL III Class President last year, I wanted to avoid the problem this year by establishing, from the beginning, a time at which we *all* could meet. This was the beginning of the year. This was the time to establish these things. Establishing a meeting time for all of us was *our* problem as a Council, not mine alone.

To make a long story short, the LSA was unable (or unwilling) to find a time in which we all could meet. A time slot was found in the evenings. Virtually all student councils in the University meet in the evenings, to accommodate everyone. A vote was taken on this time slot. Unfortunately, a vote was passed by majority that this vote be by secret ballot, and unanimous. In other words, everyone had a **veto** but did not have to justify their vote.

The motion failed. I was *not given the same right to veto* the time slot which I clearly could not attend. According to the LSA Constitution, it was clear that I would have to resign, as I would not be able to

attend the required meetings. Furthermore, I did not feel that it would be right for the LSA meetings to decide matters without a voice from the student body interested in Sports. I resigned.

Now, imagine this Council representing the needs of students who must hold jobs. Picture it in front of the Faculty. See it arguing that McGill Law is too inflexible and unrealistic in its demands on students, of denying economic reality, and practising educational elitism.

I should mention that all of this has not been without its consequences to Sports. The LSA Budget has *drastically reduced* the amount of money that it has allotted to **Law Games**. Last year, our budget was heavily cut by one-third from \$3000 to \$2000. This year, it was cut almost to oblivion. It is now restricted to *administrative costs*: you know, photocopies and phone calls. The ceiling we have is \$1000, but unless we have some incredible need for photocopies and phone calls galore, we actually won't even get that much. **Noah** will be arguing that we should *at least* get the \$1000 as a guaranteed minimum (!). So far, we don't even have *that* much.

One should point out that budgeting is not easy. Cuts must be made. But cuts *were* drastically made last year to the Law Games. Law Games is an opportunity for McGill to present itself at a national event. Last year, we made a very impressive showing for our Faculty, not only in our numbers, but by winning the overall events! Would we cut out a Club so badly if it was as successful in involving so many students and in publicizing our Faculty as the Law Games have been? I should hope not.

I was never consulted on this budgeting matter and, of course, as I could not attend the meetings, never had the opportunity to argue on our behalf. Although I understand that many others on the LSA Council voiced their concerns on behalf of Sports, the true voice to be counted on to stand up for students in this area is the person voted for, by the students: the Athletics Coordinator. The other Members cannot be expected to wear several hats. If they truly could, we would not need an Athletics Coordinator at all.

THE FIFTH NATHAN SHARANSKY LECTURESHIP IN HUMAN RIGHTS

The Fifth Nathan Sharansky Lectureship in Human Rights will take place this year on Tuesday, November 9th, at 5:30 p.m., in the Moot Court Room.

Our Guest Lecturer of this year will be Oxford Scholar Martin Gilbert, one of the most distinguished historians and chroniclers of our time. His topic will be *Reflections on the New International Order and the Human Condition.*

The Sharansky Lectureship in Human Rights was established in the name of a former Prisoner of Conscience and Helsinki Monitor who had emerged, as he often was characterized, as a "symbol for human rights in our time." The Lectureship is co-sponsored by the Faculty of Law and InterAmicus and was inaugurated, appropriately enough, by Nathan Sharansky himself, on the occasion of his first visit to Canada and McGill. The Sharansky Lecturers have since included such distinguished scholar-advocates as

Father Robert Drinan, Harvard Law Professor Alan Dershowitz, and Judge Thomas Burgenthal. The advent of Martin Gilbert as this year's Sharansky Lecturer is as exemplary as it is inspiring.

A prolific writer and scholar, Martin Gilbert is perhaps best known as Winston Churchill's official biographer, in which capacity he has published six narrative volumes, and eight supporting volumes of documents. His four-part BBC Jerusalem series on Churchill was broadcast in North America to critical acclaim in 1992. He is also the author of forty books, including Second World War, described as "monumental ... the first total history of a global war," and is the author of a series of twelve historical atlases.

If former Helsinki Monitors, Soviet refuseniks, and political prisoners could choose their official biographer, it would be Martin Gilbert. The meticulous scholarship which

characterized his biography of Churchill found expression in his chronicles of former Helsinki Monitors and political prisoners, including most appropriately, his book on, and so titled, Sharansky.

He has recently visited both Russia and the Ukraine as a guest of the leadership of those countries, and has served as a policy advisor to a succession of British Prime Ministers. In 1990 he was appointed a C.B.E., the highest civilian recognition award in the United Kingdom.

Martin Gilbert has an important Canadian "Connection," as his ties to Canada date back to his childhood: he was amongst the British children evacuated to Canada during the War years.

In summary, this year's Sharansky Lecturer - the speaker, the topic, and the times - promise to make this another inspiring experience.

Study and Travel Overseas? Go for it! On Exchange

Anyone who has been on exchange will tell you what a wonderful experience it has been. You gain an international perspective on the law, experience a different culture, meet lots of friendly people and generally have a great time. If you plan your holidays carefully you have the opportunity to go travelling and explore the world at the same time. Not to mention the distinguishing and impressive impact this will have on your resume. You are guaranteed to learn a lot about the world, international law and yourself in the process.

McGill offers you the opportunity to

study overseas on exchange. But how? Fortunately, there is a function being held on Wednesday the 10th of November to answer all your questions. Professor Harvison Young will explain the Faculty's exchange program and what exchanges are available. McGill's Exchange Director, Mme Suzanne Pilon, will discuss the process involved in going on exchange. Exchange students from various universities will also tell you a little about what it is like to live, study, and have fun in their part of the world. They will all be available to answer your questions. This provides a unique opportunity to get all the information

you need about how to go on what will undoubtedly be one of the best experiences of your life!

If you have ever thought about going on exchange, don't miss this function (with the added incentive of free food and drink kindly provided by the Law Faculty and the LSA) to be held in the Common Room 12.30 to 2.30 on Wednesday November 10.

Michael Burgess
Exchange Student from
University of New South Wales
Australia

McGill/InterAmicus Human Rights Forum

Harold Koh Moves Mountains

By Narayanan Iyer
Nat IV

The third in a series of Human Rights lectures sponsored by McGill/InterAmicus was delivered, Wednesday October 27, by Professor Harold Koh of Yale Law School. The topic of the lecture was "Trans-National Public Law Litigation- The Case of the Haitian Refugees". Professor Koh was appropriately introduced, by his former Oxford University colleague, Professor Stephen Perry of McGill Law School. Professor Koh's many achievements include obtaining his Law degree from Harvard University and clerking for Justice Harry Blackmun of the United States Supreme Court. He is currently the director of the Schell Center for International Human Rights at Yale Law School. In 1992, He was the recipient of the American Immigration Lawyers Human Rights Award for his work as lead counsel in the Haitian refugee case.

Professor Koh first became involved with the Haitian refugees in the fall of 1991. Following the overthrow of the democratically elected government of Jean Bertrand Aristide many Haitians began fleeing to the United States. The US coast guard intercepted a number of boats carrying Haitian refugees and interned them at the US naval base at Guantanamo Bay. A group in Southern Florida, called the Haitian Refugee Center, started a lawsuit against the United States government on behalf of the refugees being held at Guantanamo. The center contacted Professor Koh to head the lawsuit.

As the story unfolded, Professor Koh learned that these refugees had already been "screened in" because they were determined to have a credible fear of persecution. In March of 1992, Professor Koh became aware that the US government was planning to interview these claimants and to send those who failed the interview back to Haiti. The government justified the re-interview procedure on the grounds that they were not bound by US Immigration Law

outside its territorial boundaries. Under US Immigration Law, refugee claimants are guaranteed fundamental rights, such as the right to a lawyer and the right to an interpreter, during their refugee hearings. In Guantanamo, which is outside US territorial waters, all of these rights are waived.

Professor Koh, aided by several Yale Law students and a number of volunteer lawyers, launched a preliminary action against the US government, based on the Haitian refugees' right to counsel. The government immediately responded by stating that the lawsuit was frivolous and they asked that a ten million dollar bond be posted to proceed with the case. Professor Koh, who was the lawyer of

return of refugees back to their persecutors. The US government claimed that their international obligations were not applicable on the high seas. In March of 1993 Professor Koh argued, in front of the US Supreme Court, that the government's actions were illegal. The court by a margin of 8-1 upheld the US government's right to turn ships around on the high seas. Phase II of the case was now complete.

Phase III began in March of 1993 and it involved getting asylum on US soil for Haitian refugees who had successfully made their case at Guantanamo. They were able to get positive decisions inspite of the lack of legal assistance. Several of the claimants were, however, being detained on Guantanamo on Medical grounds. They were all Haitian refugees infected with the Aids virus. Professor Koh aptly stated that the world's first "HIV concentration camp" was created on Guantanamo. On June 21, 1993 the district judge granted a permanent injunction and ordered that those Haitians be released and allowed to land on US soil. For 300 HIV infected Haitians the decision meant freedom. Their nightmare had ended. Phase III, the final phase, was over.

The valiant efforts of Harold Koh and his colleagues brought tears to the eyes of many in the Moot court, myself included. Professor Cotler termed it "the finest human rights lecture ever heard at the Law School". For me it was more than just a human rights lecture. At the end of the day, I felt the joy as did Harold Koh for the 300 human lives that were saved, but at the same time I felt the bitter remorse of the US Supreme Court decision that served a death sentence to thousands of others. We live in a century that has seen and continues to see atrocities committed in every corner of the globe. The one hope of salvation is our precious Western democracy. Ironically, I have learned that the "land of the free" is only free for those that can pay for it!!!

For 300 HIV infected Haitians the decision meant freedom. Their nightmare had ended.

record, was personally subject to a contingent liability of 9.25 million dollars if he and his colleagues were to lose the case. They, nevertheless, continued and were successful in obtaining an injunction at a district Court in New York. The government appealed the decision all the way up to the US Supreme Court. The court by a margin of 5-4 stayed the injunction on the grounds that there was no irreparable harm in not allowing the Haitian Refugees to consult their lawyers. Professor Koh and his colleagues then proceeded without a preliminary injunction. This ended Phase I of the case.

Phase II began, on US memorial day 1992, with the knowledge that President Bush had stopped interviewing Haitians altogether and simply started ordering their return to Haiti. This was a textbook case of "refoulement", the deliberate